

tel +1-650-614-7400
fax +1-650-614-7401
WWW.DRIBICK.COM

J. Neel Chatterjee
(650) 614-7365
nchatterjee@comick.com

VIA FACSIMILE AND MAIL
FAX: +49-(0)711-2150249

Dr. Anka Reich
General Counsel/SVP
Verlagsgruppe Georg von Holtzbrinck GmbH
Gänsheidestraße 26
70184 Stuttgart, Germany

Re: Facebook Intellectual Property

Dear Dr. Reich:

I am writing today on behalf of Facebook, Inc. We understand that your company owns the business operating the website StudiVZ.com. Facebook has grave concerns about StudiVZ's unauthorized acquisition and use of Facebook technology and intellectual property.

StudiVZ's social networking website copies Facebook's graphical user interface in violation of numerous laws, including copyright, trademark, unfair competition and computer trespass statutes. Through this letter, Facebook demands that StudiVZ immediately cease and desist all use of Facebook's intellectual property and technology, change its graphical user interface, and otherwise comply with all terms set forth in this letter. Anything short of complete cooperation in addressing this matter will result in serious actions by Facebook, including potential legal action seeking an injunction shutting down all aspects of the StudiVZ website that violate Facebook's proprietary rights. By and through this letter, we also demand that you take measures to preserve all relevant evidence related to the matters raised by this letter (as required under United States law) and provide us with a binding undertaking within seven days of receipt of this letter.

The evidence of unauthorized copying by StudiVZ is substantial. For example, the StudiVZ graphical user interface appears to slavishly copy from the graphical user interface of Facebook. In addition, we have learned that many features of the StudiVZ website return similar error messages to those that appear on Facebook. This cannot be a coincidence and could arise only from direct copying through unauthorized access.



StudiVZ
July 9, 2008
Page 2

As a direct result of this copying, StudiVZ has created a competing website that is confusingly similar to Facebook in violation of Facebook's trademark rights. Your creation and continued use of this website may cause confusion in the marketplace and falsely identifies the origin of the StudiVZ website design.

In order to copy Facebook's graphical user interface, StudiVZ must have accessed the Facebook website in violation of Facebook's terms of use. In every version of the Facebook terms of use, Facebook has forbidden access to its website for the purpose of copying site content, particularly with respect to those seeking a commercial benefit. StudiVZ's unauthorized access to, and copying of, Facebook site content appears to give rise to claims under California Penal Code §502(c), the Computer Fraud and Abuse Act, as well as other statutes around the world.

Facebook's graphical user interface is central to Facebook's business model. As a result, the damage to Facebook resulting from StudiVZ's actions is enormous. These violations have caused, and continue to cause, Facebook great harm. Facebook's legal claims against StudiVZ would entitle it to injunctive relief and substantial damages, potentially including damages for the entire value of the StudiVZ business.

Facebook would prefer not to be forced to litigate this dispute. However, it will protect its rights if necessary. To avoid further disputes, Facebook demands the following:

1. that StudiVZ restructure its graphical user interface within 30 days so that it no longer resembles Facebook's graphical user interface;
2. that StudiVZ eliminate any content, designs or features taken or copied from Facebook's website within 30 days;
3. that StudiVZ provide a detailed identification of the names and dates associated with its access to the Facebook servers, website and/or its underlying technology, as well as the circumstances and reasons for such access;
4. that StudiVZ provide a description of all measures taken to avoid any use of Facebook's technology or designs, including measures you intend to take in the future.



StudiVZ
July 9, 2008
Page 3

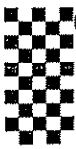
Your prompt attention to this serious matter is needed. We expect a response and binding undertaking within 7 days. Please do not hesitate to call me with questions.

Very truly yours,

I. Neel Chatterjee

cc: General Counsel
Holtzbrinck Networks GmbH
Bayerstraße 21
80335 München, Germany
Fax: +49-(0)89 206077-42

General Counsel
Holtzbrinck Ventures GmbH
Bayerstraße 21
80335 München, Germany
Fax: +49-(0)89 206077-42



07/07/2008

11:03

RA DR REICH → 09764937 ▲

NUM399

0001

+49 711 2150249

**GEORG VON HOLTZBRINCK
GMBH & CO. KG**

Gänsheidestrasse 26
70184 Stuttgart
Tel.: +49 711 2150-251
Fax: +49 711 2150249
Kirsten.Thumann@holtzbrinck.com



VERTRAULICH/CONFIDENTIAL



DRINGEND/URGENT

AN/ TO:	Herrn Dr. Thomas Meyding		
FIRMA/ COMPANY:	CMS Hasche Sigle	FAX/ FASCIMILE:	0711 9764937
KOPIE/ CC:		FAX/ FASCIMILE:	
VON/ FROM:	Dr. Anka Reich	DATUM/ DATE:	08.07.2008
BETREFF/ SUBJECT:	Fax Facebook	SEITEN/ PAGES:	5

Lieber Herr Meyding,

in der Anlage überlassen wir Ihnen das Fax in Sachen Facebook mit der Bitte um Rückmeldung.

Mit freundlichen Grüßen

Anka Reich



ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 MARSH ROAD
MENLO PARK, CALIFORNIA 94025

tel +1-650-614-7400
fax +1-650-614-7401
www.orrick.com

FAX TRANSMISSION

DATE 7/9/08

NO. OF PAGES
(INCLUDING COVER SHEET)

4

FROM

name

tel

I. Neel Chatterjee

(650) 614-7356

TO

name

company/firm

tel

fax

Dr. Anka Reich

Verlagsgruppe Georg von
Holtzbrinck GmbH

+49-(0)711-2150282

+49-(0)711-2150249

General Counsel

Holtzbrinck Networks
GmbH

+49-(0)89 206077-0

+49-(0)89 206077-42

General Counsel

Holtzbrinck Ventures
GmbH

+49-(0)89 206077-0

+49-(0)89 206077-42

RE Facebook Intellectual Property

MESSAGE

Please see attached correspondence dated July 9, 2008.

C-M-A 16069-2004-4793

Originals Will Follow By Regular Mail

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL KAREN MUDURIAN AT 650-614-7396 AS SOON AS POSSIBLE.

notice to recipient

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED TO BE SENT ONLY TO THE STATED ADDRESSEE OF THE TRANSMISSION. IT MAY BE PROTECTED FROM UNAUTHORIZED USE OR DISSEMINATION BY THE ATTORNEY-CLIENT PRIVILEGE, THE ATTORNEY WORK PRODUCT DOCTRINE, OR ANY OTHER APPLICABLE PRIVILEGE. IF YOU ARE NOT THE STATED ADDRESSEE, YOUR RECEIPT OF THIS TRANSMISSION WAS UNINTENDED AND INADVERTENT, AND YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. YOU ARE ALSO ASKED TO NOTIFY US IMMEDIATELY BY TELEPHONE AND TO RETURN THE ORIGINAL DOCUMENT TO US IMMEDIATELY BY MAIL AT THE ADDRESS ABOVE. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

CJAS WLST:260470544.1